

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

## **MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's motion for relief from judgment under Fed. R. Civ. P. 60(b). Plaintiff, a prisoner, brought this action against several employees of Southeast Correctional Center. On August 22, 2006, the Court dismissed plaintiff's case because plaintiff had not completely exhausted each and every claim against every defendant as required by Abdul-Muhammad v. Kempker, 450 F.3d 350, 352 (8th Cir. 2006). Plaintiff moves the Court to reopen his case so that he can pursue the claims he properly exhausted before bringing suit in this Court. Because plaintiff is pro se, the Court will liberally construe the motion as moving the Court for relief under Rule 60(b)(6) because the United States Supreme Court recently overruled Abdul-Muhammad's complete exhaustion requirement. Jones v. Bock, 127 S. Ct. 910, 922-23 (2007) ("nothing in the [PLRA] imposes a 'name all defendants' requirement" for proper exhaustion). However, the Court will deny plaintiff's motion because a

“change in the law that would have governed the dispute, had the dispute not already been decided, is not by itself an extraordinary circumstance” that would trigger relief under Fed. R. Civ. P. 60(b). Kansas Public Employees Retirement System v. Reimer & Koger Associates, Inc., 194 F.3d 922, 925 (8th Cir. 1999).

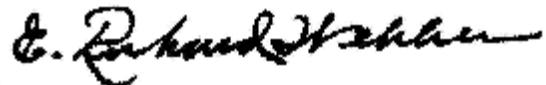
Additionally, the Court notes that plaintiff has already refiled this action as a new case. Bostic v. Babich, 1:07CV14 ERW (E.D. Mo.). Consequently, there is no value in granting plaintiff’s motion.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s motion for relief from judgment under Fed. R. Civ. P. 60(b) [#69] is **DENIED**.

**IT IS HEREBY CERTIFIED** that an appeal from this Order would not be taken in good faith.

So Ordered this 12th Day of April, 2007.



---

E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE